

JOSEPH C. BERRY.

JANUARY 22, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CROWTHER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9793.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9793) granting an increase of pension to Joseph C. Berry, alias Joseph White, having considered the same, respectfully report:

Joseph C. Berry enlisted under the name of James White September 21, 1861, at Davenport, Iowa, as a private in Company K, Eighth Iowa Volunteer Infantry, and was mustered out September 28, 1864, and honorably discharged. He was taken prisoner at the battle of Pittsburg Landing, Tenn., April 6, 1862, and paroled at Montgomery, Ala., May 22, 1862. The records show him in hospital at Vicksburg, Miss., from October 11, 1863, to December 31, 1863, but nature of sickness not stated.

He filed claim for pension March 9, 1885, alleging smallpox contracted in October, 1862, typhoid fever contracted in March or April, 1864, at Alexandria, La., causing affection of whole system, and afterwards claimed for disease of lungs, spinal affection, deafness, and kidney troubles.

He was pensioned at \$4 per month from March 10, 1886, for disease of urinary organs; increased to \$8 from September 20, 1890; to \$17 from October 1, 1891, and to \$30 from October 12, 1892.

His claim for rheumatism, disease of heart, eyes, and deafness was rejected January 8, 1896, on the ground of no pensionable disability therefrom since time of filing claim, and his claim for paralysis was rejected November 14, 1896, on the ground that it was not a result of pensioned cause. The claimant alleged spinal affection in his claim filed March 10, 1886, but this was rejected, with claim for paralysis, on the ground that it was the result of a fall from a scaffold in October, 1880.

The claimant alleges that he was "down with his back" at various times from discharge up to 1880, and some considerable testimony filed supports his statement. With reference to the fall from a scaffold, he stated to a special examiner that in—

October, 1880, I was working on the Presbyterian parsonage (Mexico, Mo.) in this city. I was standing on a scaffold and putting on cornice, and I had a paralytic stroke and fell to the ground, a distance of about 16 feet, and was helpless and confined to the house for two years thereafter.

The testimony shows conclusively that since October, 1880, the claimant has been a helpless paralytic, and every medical examination shows he has required the constant aid and attention of another person.

While, from a purely medical standpoint, the direct and immediate cause of the paralysis can be logically ascribed to the injury received when falling from the scaffold, yet your committee believe that the inherent weakness of spine, caused by the kidney trouble, which is shown to have produced lame back on many previous occasions, may be fairly considered as the remote and indirect cause of the fall, and giving claimant the benefit of any doubt that may exist, and owing to his continuously helpless condition for sixteen years, and the necessity for the regular and constant aid and attention of another since October, 1880, the passage of the bill is heartily recommended, after being amended by striking out in line 5 the words "alias Joseph White, late of," and inserting in lieu thereof the words, "who served under name of James White as private in," and amend the title so as to read: "A bill granting an increase of pension to Joseph C. Berry."

O